

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ABRIA MEDICAL LABORATORIES, LLC d/b/a GENESIS DIAGNOSTICS v. HARVARD PILGRIM HEALTH CARE, INC., AND HEALTH PLANS, INC.	CIVIL ACTION NO. 24-158
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ORDER RE: MOTION TO DISMISS

AND NOW, on this 12th day of September 2024, upon consideration of Defendants' Motion to Dismiss the Second Amended Complaint (ECF 30), Plaintiff's response thereto (ECF 32), and Defendants' reply (ECF 33), for the reasons stated in the foregoing memorandum, it is hereby **ORDERED** that:

1. The Motion is **GRANTED** with respect to Defendant Harvard Pilgrim Health Care, Inc. All counts against Defendant Harvard Pilgrim Health Care, Inc. are **DISMISSED WITH PREJUDICE** for lack of personal jurisdiction.
2. The Motion is **DENIED** with respect to Count 1 of the Second Amended Complaint for breach of contract as to Defendant Health Plans, Inc.
3. The Motion is **GRANTED** with respect to Count 2 of the Second Amended Complaint for breach of the implied covenant of good faith and fair dealing, which is **DISMISSED WITH PREJUDICE** as to Defendant Health Plans, Inc.
4. The Motion is **GRANTED** with respect to Count 3 of the Second Amended Complaint for violation of the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act, which is **DISMISSED WITH PREJUDICE** as to Defendant Health Plans, Inc.

5. The Motion is **DENIED** with respect to Count 4 of the Second Amended Complaint for quantum meruit/unjust enrichment as to Defendant Health Plans, Inc.

6.

BY THE COURT:

Michael M. Baylson
MICHAEL M. BAYLSON, J.

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